



# IDAHO ARCHITECT

A Publication of the Idaho State Board of Architectural Examiners

2004 ANNUAL REPORT

## IN THIS ISSUE

Continuing Education  
for Idaho Architects  
*Page 4*

Capsules of Law  
*Page 5*

Intern Development  
Program (IDP)  
*Page 6*

Board Meeting Report  
*Page 6*

Plan Stamping and  
the Preparation of  
Architectural Documents  
in the "Practice of  
Architecture"  
*Page 8*

In Memorium  
*Page 9*

What's New at NCARB?  
*Page 10*



## LICENSED?

*By R. Alan Giltzow*

**A**s an architect, you of all people know what you have invested in time, energy and money to get where you are. It's just not right to allow unlicensed people to practice our profession, not to mention they are violating the law.

All architects have probably witnessed unlicensed individuals practicing and just looked the other way. It is our responsibility as licensed professionals, to take the time to file formal complaints against those who choose to violate Idaho law. It is also a violation of the National Council of Architectural Registration Board's (NCARB) Code of Ethics, which is Rule 750 of the Board of Architectural Examiners. The Code of Ethics states: "An architect possessing knowledge of a violation of these rules by another architect shall report such knowledge to the board."

The complaint process is extremely simple—just go to [www2.state.id.us/ibol](http://www2.state.id.us/ibol). Click on the "Individual Board Pages," then "Architects" and finally "How to File a Complaint." The State will not act on anonymous complaints.

One of the most frustrating aspects of the Idaho law governing architecture is that your State Board of Architectural Examiners has jurisdiction over licensed architects and no jurisdiction over unlicensed people. Our legislature hasn't seen the need for your Board to have the ability to discipline or fine unlicensed people practicing architec-

ture. Our investigators do meet with the accused (sometimes with the local sheriff) to gather evidence and instruct the alleged offender as to the laws governing architecture. In most cases, this meeting is enough to correct the situation.

The Board often writes letters warning offenders of the law. We will also notify county prosecutors if the offenses continue. This type of illegal act is usually of little concern to busy prosecutors, but it is the Board's only course of action against unlicensed individuals.

Most offenders stop advertising and/or practicing as architects after the initial contact from our investigator. We must continue to be on the alert and file complaints when we see violations of Idaho law—we owe it to the public and to ourselves. ∞

## ENFORCEMENT ACTIVITY

*By Paul Jensen, AIA*

**A**ll licensed architects practicing in Idaho have a significant interest in seeing that all design activity in the state is done according to the laws of the state. This is the only way we can assure proper attention has been paid to the safety and welfare of the public. What can you do? You can help in this process by submitting evidence of violations to your licensing board.

We have investigators around the state who work for the Bureau of Occupational Licenses. They will initiate actions, which will, in most cases, cause

## WELCOME

*By Nicholas Latham, AIA*

The Idaho Board of Architectural Examiners is excited to issue this annual report designed to update Idaho Architects on items of interest concerning registration, continuing education, IDP, proposed legislation, etc. We welcome your comments, questions and thoughts. The Architectural Examiners Board believes information presented in this report will be informative, interesting and useful to your architectural practice.

The Board would like to take this opportunity to acknowledge the commitment and dedication shown by two members of your Board that have fulfilled their terms of service. As you know, the Governor appoints members of the Board for a five year term; members are eligible for a maximum of two terms.

In January of 2003, **Mr. Ray Hudson** of Pocatello retired from the Board after ten years of service. His extreme dedication and hard work on all architect's behalf is already missed. We wish Ray well and know he is fishing somewhere in Idaho with that faint, little smile on his face because he has no more assignments from the Board. Ray has been replaced by Paul Jensen, also of Pocatello. Welcome Paul, you have some big shoes to fill.

Last month was the end of **R.G. Nelson's** ten years of service to the Board. Like Ray he is a tireless worker and particularly tenacious when given a difficult task, which he probably volunteered for in the first place. The Board thanks you for your efforts and wishes you the best for the future. R.G. will be replaced by **Shelly Servick-Frampton** of Hayden Lake.



*R.G. Nelson, AIA*



*Shelly Servick-Frampton, AIA*

## ABOUT THE BOARD

The board of architectural examiners consists of six lawfully practicing Idaho architects appointed by the governor. The board is authorized to adopt rules deemed necessary for enforcement, to conduct investigations into violations, to conduct disciplinary proceedings, and to adopt rules requiring continuing education.

IDAHO STATE BOARD OF  
ARCHITECTURAL  
EXAMINERSBOARD MEMBERS

CHAIRMAN - STANLEY A. COLE, BOISE

NICHOLAS J. LATHAM, SUN VALLEY

DAVID NELS REESE, MOSCOW

PAUL JENSEN, POCATELLO

R. ALAN GILTZOW, BOISE

SHELLY SERVICK-FRAMPTON, HAYDEN LAKE

STAFF

BUDD HETRICK, DEPUTY BUREAU CHIEF

SANDEE HITESMAN, OFFICE SPECIALIST II

CONTACT US

IDAHO STATE BOARD OF

ARCHITECTURAL EXAMINERS

BUREAU OF OCCUPATIONAL LICENSES

1109 MAIN ST, SUITE 220

BOISE, ID 83702

TEL: (208) 334-3233

FAX: (208) 334-3945

E-MAIL: [ARC@IBOL.STATE.ID.US](mailto:ARC@IBOL.STATE.ID.US)

[HTTPS://WWW.IBOL.IDAHO.GOV/ARC.HTM](https://www.ibol.idaho.gov/arc.htm)

the offender to cease offending activities. But, they need a complaint before the process can begin. (See a companion article contained in this annual report for information regarding the complaint process.)

Your Architectural Licensing Board has met with the Board of

meetings around the state sponsored by boards of architects and engineers to advance awareness and serve as fair warning to a more aggressive stance toward enforcement.

Meanwhile, there have been several investigations and actions that you may wish to hear about. Our laws in Idaho do not permit full disclosure of the names of persons involved unless an action moves into the disciplinary process (i.e., Board hearing); but we can provide you a general description of the activities that have been dealt with in the past.

**Fiscal Year 2002:** Three (3) complaints were received. One (1) is in the process of closure due to lack of jurisdiction. Two (2) complaints, involving unlicensed practice, were closed with advisory letters to cease and desist all unlawful activity.

**Fiscal Year 2003:** Six complaints were received. Two (2) complaints were closed, both involving unlicensed practice, with advisory letters to cease and desist all unlawful activity. Four (4) complaints, involving unlicensed practice, incompetence, and plan stamping issues remain under investigation.

**Fiscal Year 2004:** Eight (8) complaints have been received to date. Of those, one (1) was an anonymous complaint alleging that an out of state architect had been involved in a possible charge of misdemeanor assault on a minor child. The Idaho Bureau of Occupational Licenses reviewed the laws and rules of the Board and found no basis upon which to pursue an investigation of an out of state individual. The Bureau also has a policy of not investigating anonymous complaints. The remaining seven (7) complaints, involving unlicensed practice, misrepresentation, or plan stamping issues are all under investigation.

It should be noted that, though the Board does not have jurisdiction over unlicensed person, the Bureau does investigate such complaints and provides information concerning those who violate Idaho laws to city and county prosecuting attorneys.

Your Board encourages you to submit any violations you are aware of. The process is simple and the Bureau's investigative unit will conduct the investigation. Your participation in this cause will help insure the protection of Idaho's public. ∞

“Adding more laws to the books will not necessarily solve the problem.  
Awareness,  
education,  
& action  
are our best avenues to improvement.”

Engineers in order to explore the common concerns of architects or engineers practicing outside of their respective areas of expertise. It was agreed that a huge improvement would be seen if the two boards simply continue to aggressively enforce the laws as written. In other words, adding more laws to the books will not necessarily solve the problem. Awareness, education, and action are our best avenues to improvement. Look forward to joint



## CONTINUING EDUCATION FOR IDAHO ARCHITECTS

*By Stanley A. Cole, AIA*

Starting in January 2005, Idaho Architects will be required annually to successfully complete a minimum of eight (8) hours of continuing education in architectural health, safety and welfare. Each licensee will be required to submit to the Board, with their license renewal application form, certification (by signed affidavit), that compliance with the annual CE requirements has been met during the previous twelve (12) months. Approximately 5% of the renewals will be audited annually for compliance with Continuing Education requirements.

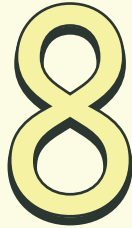
Licensees may petition the Board for additional time to complete their continuing education requirements. If a license is lapsed, canceled or otherwise non-renewed for less than five (5) years, the applicant shall provide proof of attendance consisting of eight (8) hours of continuing education for each year the license was lapsed.

Continuing Education credits are based on the following: one (1) continuing education hour shall be equivalent to one (1) learning unit, as determined by the American Institute of Architects, or one (1) clock hour of education, as determined by the Idaho State Board. Providers for continuing education courses can be approved by NAAB (National Architectural Accreditation Board), NCARB (National Council of Architect Registration Boards), AIA (American Institute of Architects), or by Board approval.

Requests for continuing education provider approval must be made to the Board in writing and must be accompanied by a statement that includes the name of the instructor, instructor qualifications, date, time and location of the course, the specific agenda for the course, the number of continuing education hours requested, and a statement of how the course is believed to be in the nature of architectural health, safety and welfare.

Each licensee will be required to maintain verification of attendance by securing authorized signatures or other documentation from the course instructors or sponsoring institution. The course verification is required to be maintained by the licensee for a period of three (3) years, and provided to the Board upon request.

Failure of a licensee to fulfill continuing education requirements will result in non-renewal of the license. There are specific exemptions to continuing education requirements and they are as follows: military service exceeding 90 consecutive days (with honorable discharge), a resident of another jurisdiction recognized by the Board as having a continuing professional education

“Starting  
January 2005,  
Idaho architects  
will be required  
annually to  
successfully  
complete a  
minimum of  
 hours  
of  
continuing  
education.

requirement, a government employee working as an architect assigned to duty outside the United States, and upon Board approval based on substantiated hardship. ∞





## CAPSULES OF LAWS

By R.G. Nelson, AIA

### Defining the Practices of Architecture & Engineering

The Supreme Court of Arkansas has upheld a finding of the Arkansas State Board of Architects that a licensed professional engineer practiced architecture without a license.

In 1999 Robert Holloway, a license professional engineer, prepared and filed plans for a pre-engineered metal building to be assembled for the Rosenbaum Industrial Supply Facility in Little Rock, Arkansas. Subsequently, Tim Yelvington, an architect, filed a complaint with the Arkansas State Board of Architects alleging that Holloway, who was not an architect, had designed and stamped various aspects of the project. The board notified Holloway of the complaint, and he responded that it was his understanding that his work on the facility was well within the realm of engineering. During a May 1, 2000, hearing the board found that Holloway had practiced architecture without a license and imposed a \$5,000 fine. Holloway filed an appeal with the Pulaski County Circuit Court, but that body upheld the board's decision in a December 11, 2001, ruling. Holloway then took his case to the court of appeals, which returned the case to the board. The board in turn sought a review of the case by the Arkansas Supreme Court.

Holloway argued that the licensing statutes defining the practices of architecture and engineering are unconstitutionally vague. The Arkansas Supreme Court disagreed and ruled that the licensing statutes Holloway challenged were not void for vagueness. The trial court decision was affirmed.

The very first paragraph of Architects Law states, "In order to safeguard life, health and property and to promote the public welfare, any person practicing or offering to practice architecture as herein defined, in the State of Idaho shall submit evidence of his qualification so to practice and be licensed as hereinafter provided."

It seems readily comprehensible for us as architects to define safety and health. But, what about promoting the public welfare? What does welfare mean? Turning to my Webster's New World Dictionary there are three different definitions. The closest to architecture states: "to fare well - the state of being or doing well; condition of health, happiness and comfort; well-being; prosperity. Opening my Barrows Law Dictionary, health, safety, and welfare



**Question**—You are a new corporate member of AIA and you understand that you are a member of a profession with all its privileges and liabilities. However, you are not clear what separates you as a professional architect from members of other occupational groups.

**Answer**—Your question seems to focus on the basic issue of what makes an occupation a profession. A New York court of appeals solves your question - what separates architects, lawyers, accountants, medical doctors and engineers from other professions? "A profession is not a business. It is distinguished by the requirements of extensive formal training and learning, admission to practice by a qualifying licensure examination, a code of ethics imposing standards qualitatively and extensively beyond those that prevail or are tolerated in the marketplace, a system for discipline of its members for violation of the code of ethics, a duty to subordinate financial reward to social responsibility, and notably an obligation on its members, even in nonprofessional matters, to conduct themselves as member of a learned, disciplined, and honorable occupation."

“No one  
in the AIA Washington  
D.C. building  
knows  
anything  
about defining  
health, safety,  
& welfare.”

are not even listed. Guess it's not a legal term. Blacks Law Dictionary is of some help. "Public Welfare - A society's well-being in matters of health, safety, order, morality, economics and politics."

Think I'll try AIA in Washington, D.C.—but I gave up. After five phone calls, being placed on lengthy holds, leaving messages that were never returned, I decided that no one in the Washington D.C. building knows anything about defining health, safety and welfare. Obviously they have never taken that task on.

I did find the following definition in my CES Provider Manual 2001 on page 17:

**“Welfare:** Aspects of architecture that engender positive emotional responses among, or enable equal access by, users of buildings or sites. Examples include spaces whose scale, proportions, materials, and color are pleasing for the intended use, spaces that afford natural light and views of nature, and provisions for users with disabilities.”

Concurrently the National Council of Architectural Registration Boards (NCARB) Procedures and Documents Committee (PDC) developed and presented a similar definition which was adopted in February 2002:

An architect promotes the health, safety and welfare of the public by planning and designing buildings, structures, and the spaces within and surrounding such buildings and structures, that:

- Minimize the risk of injury to persons or property, and comply with all applicable building and safety codes;
- Are durable, environmentally friendly, cost effective and conserve resources;
- Are aesthetically appealing;
- Function properly in all relevant respects; and
- Enhance the public's overall sense of well-being, harmony and community, and integrate effectively with the surrounding environment.

An architect shall prefer the client's interest over the architect's interests and, when the issues are clear, the public's interest over both.

Finally I found the definition that I was looking for by corresponding with Michael Bourdez, AIA, Director of Education and International Services, member of the Executive Staff at the NCARB office in Washington D.C. He sent me a 14 page white paper written by Ted Fuetsch, AIA, on health, safety

## BOARD MEETING REPORT

by Nicholas Latham

The Board of Professional Engineers and Professional Land Surveyors and Architectural Examiners Board met on September 12, 2003. The Architectural Examiners Board met with Clyde Porter, P.L.S. Chairman and Leslie M. Walker, P.E., Vice-Chairman of the Board of Professional Engineers and Professional Land Surveyors to discuss common problems to both boards.

The discussion centered around plan stamping, the complaint process, building officials, ordinances and the cross over of the architecture and engineering practices. It was decided that the two boards would continue discussions in the future. For more information regarding the Board of Professional Engineers and Professional Land Surveyors, visit <http://www2.state.id.us/ipels>.

BOARD OF PROFESSIONAL  
ENGINEERS AND PROFESSIONAL  
LAND SURVEYORS

600 SOUTH ORCHARD, SUITE A  
BOISE, IDAHO 8370

TEL: (208) 334-3860  
TTD RELAY: 1-800-377-3529  
FAX: (208) 334-2008  
[WWW2.STATE.ID.US/IPELS](http://WWW2.STATE.ID.US/IPELS)



and welfare. That paper referred me to a US Supreme Court Case (Berman vs. Parker, 348 U.S. 26, 22). Off to our local county court house. Searching there, I found the case - it's about a condemnation case in Washington DC in the late "50's - very interesting reading. However, most important was the definition of public welfare. Justice Douglas wrote the opinion for the court as follows:

"The concept of public welfare is broad and inclusive.... The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the powers of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, well balanced as well as carefully patrolled."

During the September Board meeting, I presented this definition and requested that it be accepted as the Board definition of public welfare and that it shall meet the level of the standard of care for Idaho architects and it was so granted. ∞

## INTERN DEVELOPMENT PROGRAM (IDP)

*By D. Nels Reese*

The Intern Development Program is alive and well in the State of Idaho. The IDP was officially started in 1976 as a national pilot program and in 1993 your board made IDP mandatory in the State of Idaho. Currently 48 states require the IDP format for intern architects. Only two states have not accepted the full use of IDP procedures. Those states are California and Arizona. California has promised to require the program in 2005 and in the meantime they are doing additional study on the potential of a Competency-Based intern program. Their reluctance is based on the argument that mere seat time in an office is not adequate qualification. A report from California is forthcoming.

Each year the University of Idaho graduates 45 students from its accredited architecture program, 30 in Moscow and 15 in the Boise Program. An educated estimate might suggest that 40 of these students go directly into the practice of Architecture. Probably one third or 13 of these students will begin their apprenticeship here in the State of Idaho. Of course, there are always other interns who have graduated from other schools who choose to live and work in the state of Idaho. All of us in the profession are responsible for their continued education and development. Currently there are three people in the state assigned to support of the IDP Program. Tom Ensley, AIA, e-mail: [tom@trensley.com](mailto:tom@trensley.com), is the AIA IDP Coordinator. Dan Mullin, AIA, is the Educational Coordinator, e-mail: [dmullin@uidaho.edu](mailto:dmullin@uidaho.edu), and D. Nels Reese, [dnels@uidaho.edu](mailto:dnels@uidaho.edu), is the Examining Board Liaison. These three people are willing to assist firms or individuals in searching for better ways to train and develop our new young architects. Tom brings the subject of IDP to the university students each year and provides them with forms and encouragement to begin the process after their third year in the Department of Architecture.

As you are aware there are two important role models identified by IDP. The first and most obvious is the intern's supervisor. The second is the intern's mentor, and it is at this point that each one of us as architects could be of assistance in the development of young architects. We are all aware of great mentor relationships. One that comes to mind is Frank Lloyd Wright's libermeister, Lois Sullivan. As architects each one of us could occasionally find a young architect to mentor. There is much current discussion about this topic. Look for such discussions at your next national meeting or contact your one of the above coordinators. Mentor Guidelines are available on the NCARB web site at [www.ncarb.org](http://www.ncarb.org).

You may be interested to note that the AIA gives awards to firms that show creativity and commitment toward their architectural interns. Awards are given to firms in three size categories; large firm (50+ employees), medium firm (8-49 employees, and small firm (1-7 employees). This is just one of the ways in which firms are encouraged to think and act creatively in the development of young interns. ∞



## PLAN STAMPING AND THE PREPARATION OF ARCHITECTURAL DOCUMENTS IN THE "PRACTICE OF ARCHITECTURE"

By R.G. Nelson, AIA

Architects and Engineers registered in the State of Idaho are prohibited from reviewing, editing, accommodating, ratifying or authenticating technical submissions involving the "practice of architecture" and "practice of engineering", authored or contrived by unlicensed individuals or any associated establishment, or to place his/her seal upon any technical submission for the purpose of obtaining construction permits when the submission documents were not prepared under his/her direction and personal supervision or under the registrant's responsible charge.



A careful reading of a portion of Architect law *The Use of the Seal* states: "The architect shall seal all technical submissions issued from his office..." (2) "The signature and seal shall appear on all technical submissions prepared by the architect or prepared under his direction and personal supervision." (Section 54-308(1), Idaho Code)

**Technical submissions are defined as follows:** (d) "Technical submissions" involving the practice of architecture, consist of designs, drawings, specifications, studies and other technical reports prepared in the course of practicing architecture. (Section 54-309(d), Idaho Code)

**Practice of architecture is defined as follows:** (c) "Practice of architecture" consists of rendering or offering those services hereinafter described, in connection with the design, construction, enlargement, or alteration of a building or a group of buildings. The services covered within this definition include architectural planning, advice and consultation; providing preliminary studies; architectural designs, drawings and specifications; technical submissions; and, administration of construction contracts. (Section 54-309(c), Idaho Code)

While I have been on the Board, we have twice further defined and added additional strength to the law *Use of the Seal* by adopting rules to define what is meant by direct supervision.

### Use of an Architect's Seal

An architect's seal shall be placed on all technical submissions prepared personally by the architect or prepared by his staff under the

architect's direction and personal supervision. An architect shall only seal those documents prepared by another licensed professional where the architect has both control over and detailed professional knowledge of the work or matters contained in said document. Nothing in this rule shall limit an architect's responsibility to the owner for the work of other licensed professionals to the extent established by contract between the owner and architect. (IDAPA 24.01.01.410)

### Interpretations of Direct Supervision

Direct supervision is that degree of supervision by a licensed architect overseeing the work of another whereby the architect has both control over, and detailed professional knowledge of, the work prepared under his or her supervision. The primary contract or agreement for the project must be between the architect of record and the entity for which architectural services are provided, not between the person being supervised and the entity for which the services are provided. (IDAPA 24.01.01.550.04)

In the past, the Board has been asked if our architects are required to stamp the mechanical or electrical documents included in a project. For reasons of their own, the Department of Public Works required architects to double stamp all consultants documents. Our answer was that "architects can only use their seal when they have both control over and detailed professional knowledge of whatever is contained or placed on documents or technical submissions." Therefore, our answer to Public Works was that they could not force an



architect to double stamp submitted documents.

Architects must remember that under our laws we are not required to retain structural, mechanical or electrical engineers. Licensed architects may undertake any project or any part of a project that falls within the definition of the practice of architecture. The exception is that Idaho architects are by rule bound to subscribe to the Code of Ethics, defined in Rule 750 as the NCARB Rules of Conduct. Section 1.3 of those Rules

under Competence states:

“An architect shall undertake to perform professional services only when he/she, together with those whom the architect may engage as consultants, is qualified by education, training, and experience in the specific technical areas involved.”

In other words, if your knowledge of a subject is limited by your own capacity, knowledge, and lack of experience, you must retain consultants who can appropriately

supplement your own capacity. If you do not, you have violated this rule and run the risk of jeopardizing the mandate of the laws under which we operate, that of protecting the health, safety, and welfare of the public.

By completing all the requirements for licensure, including passing the NCARB examination, you have satisfied the minimum competence required by the law - however you must also respect the Rules of Conduct with regard to competency. The use of your

## IN MEMORIAM

### Ronald D. Bevans, 1941-2004

Ronald D. (Ron) Bevans died Monday, June 7, 2004 in Lewiston, Idaho. Bevans received his Bachelor of Architecture degree in 1964 from the University of Nebraska. In 1965, he graduated from the University of Washington in Seattle with a Master's in Architecture. He served in the US Army as second lieutenant from 1966 to 1967, and in 1967 began his teaching career at Idaho State University. In 1970, he accepted a position at the University

of Idaho. He became the first chairman of architecture in 1977, and in 1981 help create the College of Art and Architecture. Bevans was passionate about architectural education and the practice of architecture. He was an extremely caring and gifted instructor. From 1991 to 2001, the governor appointed him to the Idaho State Board of Architectural Examiners where he served as secretary, vice chairman, and chairman. Bevans was also active in the Idaho AIA chapter.

Bevans is survived by his wife, Alice, his son, Wesley Bevans and his wife, Kimber, and their son Alex; and his son Steve Bevans and his wife, Nicole, and their children Jacob, Allison and Ashtyn. The family suggests memorials be sent to the Architecture Scholarship Fund at the University of Idaho, c/o the Department of Architecture, University of Idaho in Moscow.

### William P. Sloan, 1923 - 2003

William P. Sloan passed away on November 29, 2003 in Moscow, Idaho. He had been a Professor of Architecture at the University of Idaho where he had taught for 29 years. His tenure began at the University in 1956, after working for a period of time in Chicago as an architect. Architects who studied at the University of Idaho between 1956 and 1985 remember him fondly as a professor in the design studio as well as the professor that brought the study of City Planning to the department. He was persistent and demanding, and we loved him for it. He attended Rennselaer Polytechnic Institute in Troy, New York where he received a Bachelor of Architecture. Later he attended Yale University where he completed a Masters Degree in City Planning in 1961. A memorial was held in

Moscow on December 2. He is survived by his wife Genevra and two daughters Dana and Genevra. He continues to serve the Department of Architecture through the William P. Sloan endowment. Many visiting lectures are brought to the students in architecture through this fund. Memorials may be made to this fund and the University of Idaho.

## WHAT'S NEW AT NCARB?

The Idaho Board of Architectural Examiners is a member of NCARB – National Council of Architectural Registration Boards made up of the Architectural registration boards of all 50 states, as well as those from the District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico and the Virgin Islands.

Together, NCARB's 55-member boards develop standards for the education, training and examination of Architects. These standards have become the basis for granting an NCARB Certificate – an act indicating NCARB's recommendation that an architect holding the certificate is qualified to practice

across state lines. NCARB Member State Board (as is the Idaho Board) have been charged with overseeing the registration of architects, acknowledging their firm commitment to public health, safety and welfare.

The National Council of Architectural Registration Boards (NCARB) announced that it is making changes to the Architect Registration Exam (ARE). The new exam (ARE Version 3.0) will be implemented in February 2004. For more information visit <http://www.ncarb.org>.

NCARB publishes the 14th Monograph, *Improving Building Performance*. This is the 14th title in the Professional Developments Program's Monograph Series investigating health, safety and welfare topics. *Improving Building Performance* provides a detailed introduction to post-occupancy evaluation (POE) and is written by Wolfgang F.E. Preiser Ph.D., a professor at the University of Cincinnati. The Monograph offers four detailed case studies as well as a lengthy resource listing and proto-Typical POE forms. Persons successfully completing the quiz will earn 10 learning units. Future monographs will explore topics including smart growth, the building envelope, building security and crime prevention in the context of design. To order *Improving Building Performance*, or for more information visit <http://www.ncarb.org/publications> or call (202) 703-6500.

seal is further restricted to the Rules of Conduct, sections 5.1, 5.2 and 4.1 as follows:

### Rule 5 Professional Conduct

5.1 Any office offering architectural services shall have an architect resident and regularly employed in that office.

5.2 An architect shall not sign or seal drawings, specifications, reports, or other professional work which was not prepared by or under the responsible control of the architect; except that (i) he/she may sign or seal those portions of the professional work that were prepared by or under the responsible control of persons who are registered under the architectural registration laws of this jurisdiction if the architect has reviewed in whole or in part such portions and has either coordinated their preparation or integrated them into his/her work, and (ii) he/she may sign or seal portions of the professional work that are not required by the architects' registration law that be prepared by or under the responsible control of an architect if the architect has reviewed and adopted in whole or in part such portions and has integrated them into his/her work. "Responsible control" shall be that amount of control over and detailed professional knowledge of the content of technical submissions during their preparation as is ordinarily exercised by architects applying the required professional standard of care. Reviewing, or reviewing and correcting, technical submissions after they have been prepared by others does not constitute the exercise of responsible control because

the reviewer has neither control over nor detailed knowledge of the content of such throughout their preparation.

### Rule 4 Compliance with Laws

4.1 An architect shall not, in the conduct of his/her architectural practice, knowingly violate any state or federal criminal law.

A second law that is often violated is subcontracting for drafting services. You as project architect are professionally liable for the use of your seal. You personally or your staff employees under your personal direction and supervision must prepare the technical submissions. If you have not met this requirement then you have violated Idaho Code, which reads as follows:

"The holder of a license shall not maintain, in the practice of architecture, any person who

does not hold a license to practice architecture in this state, unless such unlicensed person works under the immediate and personal direction and supervision of his licensed supervisor who shall regularly and customarily attend his business in the same quarters." (Section 54-307(2), Idaho Code)

This means that you as a licensed architect in the state of Idaho are prohibited from contracting, retaining, hiring or using the services of unlicensed individuals or firms that provide drafting services. If the drafting service furnishes you with any type of technical submission as defined above then that provider must also be a licensed architect in the state of Idaho.

Remember, it is unlawful for you as a licensed architect to review documents prepared by unlicensed drafting service people and place your seal upon those documents. The unlicensed person must be an employee of yours, working under you control and supervision in your office or place of business.

Engineers licensed in the state of Idaho are also bound by very similar laws that makes it unlawful for engineers to review  
- add a few notes or a detail here and there - and then seal the document of the purpose of obtaining a building permit

The state Board of Engineers and Land Surveyors has also adopted a white paper on the topic of "Responsible Charge". The title of the paper is *Just What Is This "Responsible Charge" Thing?* Here are some excerpts from that paper.

A review of these pertinent sections of our law and rules would be of great value to help you understand your professional responsibilities and legal requirements. After such a review, we believe that there could be little confusion about "stamping" versus "rubber stamping". If you did it, you stamp it! If you stamp it, you are, and were, in "responsible charge". If you were in "responsible charge", you had complete "control and direction" of the work. Mere review, no matter how detailed, cannot meet the requirement of the "control and direction" of the work as required by our current engineering and land surveying law.

The definition of "responsible charge" for professional engineers is found in Idaho Code 54-1202(h) and is as follows: "Responsible Charge. The term 'responsible charge' means the control and direction of the investigation, studies, design, construction or operation of engineering work, or the control and direction of record research, field retracement, office calculations, boundary determination and mapping of land surveying work, requiring initiative, professional skill and independent judgment."

54-1215.3.c - Certificates - Seals. "The seal, signature and date shall be placed on all original documents. The application of the registrant's seal signature and date shall constitute certification that the work thereon was done by him or under his responsible charge. Each plan or drawing sheet shall be sealed and signed...."

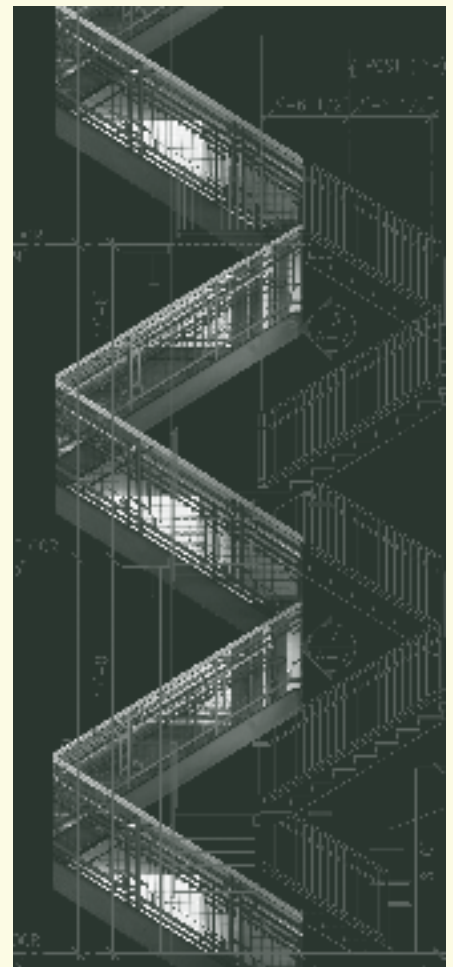
## Conclusion

The primary purpose of the laws and rules pertaining to the practice of both the professions of architecture and of engineering and land surveying in Idaho are to safeguard life, health and property. The net result of these laws and rules is to place each professional in Idaho in "responsible charge" of the work that is undertaken, whether that work is done as an individual, a team member, or a team or project leader, and whether that work is accomplished by direct employees, consultants, inter-company teams, or multi-discipline teams.

We must always be assured that the people are protected. ∞

*Salus populi suprema est lex.*

*The safety of the people is the highest law.*





# ARKANSAS SUPREME COURT FORBIDS DESIGN OF BUILDINGS BY ENGINEERS

*By Daniel A. Taylor, Esq., NCARB Legal Counsel*

The Arkansas Supreme Court recently upheld a \$5,000 fine levied against an engineer who had designed a 13,000-square foot pre-engineered metal building consisting primarily of office space with a small amount of storage. The case was *Holloway v. Ark State Board of Architecture*, 352 Ark. 427; 101 S.W.3d 805, decided April 3, 2003.

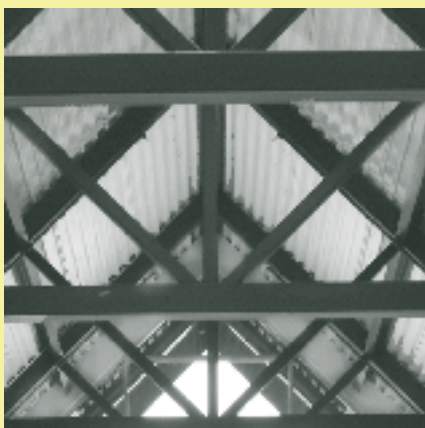
Like the NCARB Model Law, Arkansas' law describes the practice of architecture in terms of buildings for "human occupancy or habitation." Arkansas' law provides that "an engineer may practice such architectural work as is incidental to the practice of architecture."

The law also has the following additional provisions permitting engineers to design buildings with some human occupancy: "[An engineer may design] buildings intended for the accommodation of equipment, vehicles, goods, and/or processes or other utilitarian function, with human occupancy including office space as required for the support of these functions...."

Faced with the typical arguments that the Board of Architects overreached in interpreting its statute, and that the architects' statute—read together with the engineers' statute—was too vague to be understood, the Arkansas Supreme Court concluded as follows: "Reading these together, a person of ordinary intelligence can glean that architects plan and design buildings primarily intended for people to live and work in, and engineers plan and design buildings primarily intended for the accommodation of equipment, vehicles, goods and/or processes."

# NEWLY LICENSED ARCHITECTS CURRENT AS OF OCTOBER 27, 2004

John Davis Annand	Steven Page Johnson
Glenn Whitney Arbonies	Thomas G. Jolly
Thomas D. Auer	Byong-Woo Kim
Bartlett James Baker	John M. Kjos
Jon Alan Baker	David Cordell Lake
James Michael Brady	Mark J. Latham
Lyle Andrew Bremmeyer	James R. Lazzari
Leslie Kit Carter	Christopher T. Lee
Raffaele Castelli	Kyle A. Lombardo
Christopher Jon Cedergreen	Scott Francis Lurie
Elizabeth Cooper	Ronald L. Maddox
Gerry J. Copeland	Eric McArthur
Marco Di Gino	Teryl K. Miller
Kent Wilson Duffy	William John Moore
Wescott L. Edwards	Travis S. Naisbitt
G. Damian Farrell	David Pecharka
Bradford White Fiske	Thomas G. Pene
Brian R. Fleener	Susan L. Rogers
Jon C. Gambrill	William Quinn Sabatini
Daniel H. Gates	George Allen Sayre-Smith
John (Jack) L. Gatto	John Schmiedel
William G. Gerstner	Gary Lee Schneider
Lyman Goff	Kenneth W. Schneider
Rodney North Green	Timothy John Schouten
Eric Guion	Linda Shawmarzialo
Anthony James Haas	David B. Sorenson
John David Hafner	Mark W. Steiner
Gregory T. Haley	Donald N. Tippet
James Kenneth Hann	Stephen G. Tobler
Robert P. Heck	Alan R. Tucker
Richard A. Hennings	Norman Warnick
Richard Scott Hintz	Jon Hadley Wiener
Truman Howell	Rachel W. Zebrowski
Bing Hu	William Jon Zeck
C. Leroy James	V. William Zmistowski



## IDAHO ARCHITECT

Idaho State Board of Architectural Examiners  
1109 Main St, Suite 220  
Boise, ID 83702

Visit us online at  
[www.ibol.idaho.gov/arc.htm](http://www.ibol.idaho.gov/arc.htm)